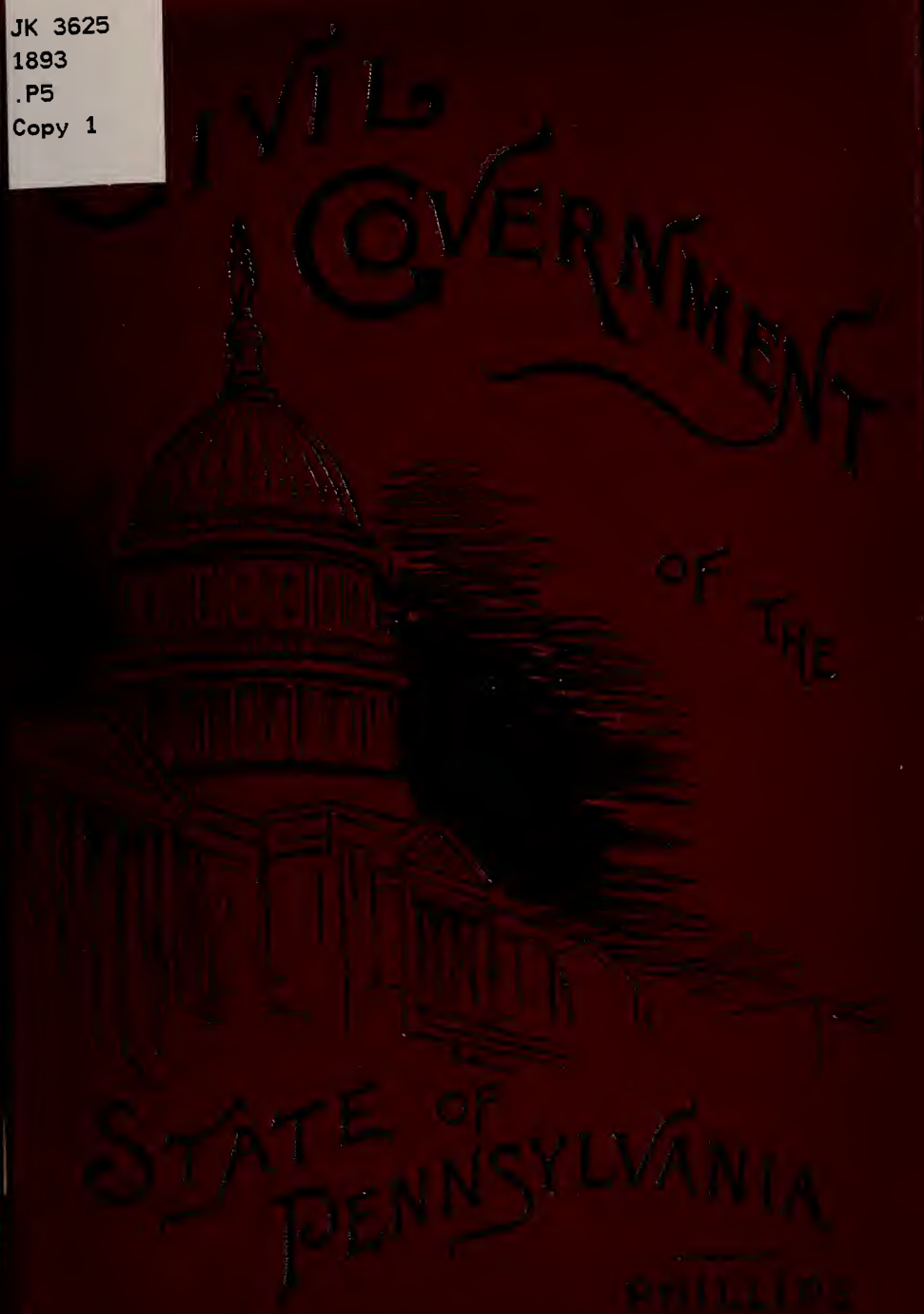


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UNITED STATES OF AMERICA.

ELEMENTS OF CIVIL GOVERNMENT
IN THE
COMMONWEALTH OF PENNSYLVANIA



BRONZE STATUE OF WILLIAM PENN.
New City Hall, Philadelphia.

ELEMENTS OF CIVIL GOVERNMENT
IN
THE COMMONWEALTH OF
PENNSYLVANIA

WITH A
BRIEF OUTLINE OF THE POLITICAL HISTORY
OF THE STATE

*DESIGNED FOR USE AS A TEXT-BOOK IN PUBLIC AND PRIVATE
SCHOOLS, AND FOR SUPPLEMENTARY READING*

BY
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PREFATORY NOTE.

THE history of Pennsylvania is both interesting and important, but as the general histories and text-books on this subject can be relied upon to do it justice, the great part of this sketch will be given to the civil government of the state and of its subdivisions, the counties, cities, townships, and boroughs, which derive their powers from the state.

The United States is a Republic of Republics. Pennsylvania is a republic, just as the United States is. It has its constitution, and makes and executes its own laws, subject, of course, to the constitution of the United States (see Constitution of the United States, Art. 6, clause 2). Its inhabitants live under a double government. In matters which concern the whole nation, they are subject to the laws and authority of the United States government; but in matters supposed to concern the state only, they are subject to the laws and authority of the state. The constitution of the United States determines the dividing line between national and state authority. Congress and the President have power to make and execute such laws only as this constitution gives them the right to make. All other powers are left to the states or the people (see Constitution of the United States, Tenth Amendment).

As a matter of fact, the great majority of the laws that govern us in our every-day lives and avocations are state laws, with which Congress and the President have had nothing whatever to do; viz. the laws governing the inheritance of property, buying and selling, the laying and collecting of taxes (except the tariff and internal revenue), roads, schools, all the ordinary crimes, such as murder, theft, arson, assault, etc., are almost

all state laws, passed not at Washington, but at Harrisburg. Hence the importance of the constitution and government of the state as well as of the United States. Smull's Legislative Handbook, published each year by the state for free distribution, is invaluable to the teacher of civil government in Pennsylvania. It can probably be secured by early application to one's representative or senator.

And while studying their own national and state governments, students will do wisely to compare their government with others, especially with those of the other republics and of Great Britain. They will find, for instance, that while Switzerland, Mexico, Brazil, and some others of the South American republics, are federated republics with separate states like ours, that France, Chili, and other republics are not divided into states in this way. They will find that although the government of Great Britain is a monarchy, it is almost as free a government as ours, and indeed many of the best features of our government have been copied from that of Great Britain.

In a country like ours, where the rulers are the people, it is of prime importance that all citizens, especially all who are privileged to exercise the elective franchise, shall have an intelligent knowledge of the general features of the government under which they live, and of which they form a part.

Special acknowledgment of valuable aid is due Alfred P. Reid, Esq., of West Chester, who is widely known for his legal knowledge and ability. This is believed to be the first attempt to produce a popular account of the government of Pennsylvania. On this account, and because of the immense amount of special legislation still in force in every part of the state, its preparation has not been an easy task. The author will be grateful for suggestions and corrections from those who may use it.

G. M. P.

WEST CHESTER, PA., April, 1893.

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THE HISTORY AND CIVIL GOVERNMENT OF PENNSYLVANIA.



CHAPTER I.

A BRIEF SKETCH OF THE HISTORY OF THE STATE.

The First Settlers. — The first permanent European settlements in Pennsylvania were made by the Swedes along the Delaware River in the first half of the seventeenth century. The Dutch colonists, whose headquarters were at New Amsterdam (New York), had previously made some explorations along the lower Delaware and had traded with the natives. They claimed the country, and in 1655, under the leadership of Stuyvesant, overpowered the Swedish colonists and established their authority over this region. Nine years later, when the Dutch power in North America was overthrown by the English, the few settlers in what was afterwards to be Pennsylvania came under the jurisdiction of the English governor of New York.

The Province granted to Penn. — In 1681 Charles II., of England, in order to discharge a debt of £16,000 due Admiral Penn, and upon his death inherited by his

son William Penn, granted to the latter the province of Pennsylvania.¹ Penn's charter not only gave him the ownership of all the land in this great province, but made him its absolute ruler, subject only to the sovereignty of the king. The next year Penn visited his province, the good ship *Welcome* landing him and his colonists at Chester (whose name was on this occasion changed by Penn from Upland to Chester, from the old English city of that name) on October 29, 1682. Instead of relying upon his royal grant and dispossessing the Indians of their lands by force, as other early American colonists did, Penn purchased the lands from them and made treaties of peace and friendship with them. As a result of this wise and humane policy, Pennsylvania was free from Indian wars and massacres for half a century.

The Early Government. — Penn confirmed the Swedes and Dutch whom he found in his province in the possession of the lands they occupied, and gave to them and to his own colonists a most liberal government. He reserved to himself the governorship and the appointment of a lieutenant-governor to act in his absence, but he gave all legislation into the hands of the Assembly, which consisted of but a single house and was elected by the people. He provided for perfect liberty of worship, and capital punishment, the penalty everywhere then for all grave and many trivial crimes,

¹ This name was given to the province by King Charles in his charter to Penn. Penn wished to have it named New Wales, and when the king's secretary, a Welshman, prevented that, Penn suggested Sylvania, a name euphonized from the Latin word *silva* (or *sylva*), a forest. To this the king prefixed Penn, in honor of Admiral Penn. So Pennsylvania means the Penn forest.

was inflicted only for murder and treason. Slavery was discouraged and the slave trade as far as possible stopped. Trial by jury was guaranteed both to whites and Indians, and when the latter were tried, half of the jurymen were to be of their own race. Penn at first organized three counties, — Chester, Philadelphia, and Bucks, Chester being the first of the three. By the division of these and the organization of new settlements other counties were subsequently formed. Penn also divided his counties into townships, thus forming the political subdivisions which have existed ever since. The first Assembly met in Chester in December, 1682, but during the remainder of the colonial period Philadelphia was the seat of government.

The Growth of the Colony. — As a result of the wise and liberal policy of the Proprietary, and on account of the fertility of the land and the low prices at which it was sold, the colony prospered exceedingly. To the few Swedes and Dutch whom Penn found in his province was speedily added a large immigration of Penn's co-religionists, Quakers, from Great Britain and mainly from England. These settled in and immediately around Philadelphia; they gave to the colony its peculiar characteristics and were for many years the controlling element. They were followed by a large influx of immigrants from Southern Germany, who pushed further into the interior and monopolized much of the best land of the province. They brought with them their language and customs, as well as their religion. The Scotch-Irish, from the North of Ireland, also came in large numbers, and played an important part in the development of the new state. At the outbreak of the

Revolution, Pennsylvania was one of the richest and most populous of all the colonies, and Philadelphia was the largest and foremost city in the colonies.

Penn's Successors. — Penn visited his colony twice, each time spending two years there. He was unselfishly devoted to its welfare, but received from it no recompense and very little gratitude. He died in England in 1718. His authority and possessions in Pennsylvania descended to his widow, and afterwards to his sons and grandsons, and were maintained by them with more or less success until the time of the Revolution, when they relinquished all authority and claims in the province upon the payment to them by the colony of £130,000.

Pennsylvania in the Revolution. — Although averse to war on account of the dominance of Quaker influence, Pennsylvania played an important part in the Revolution. In Philadelphia the Declaration of Independence was written and signed, and here the Continental Congress continued to hold its sessions except when the city was in the hands of the enemy. The battles of Brandywine and Germantown were fought on its soil, its hills witnessed the patriot army's sufferings at Valley Forge in the winter of 1777-8; and it furnished its full share of men and money for the struggle. Robert Morris, the financier of the Revolution, and Benjamin Franklin, the great scientist and statesman who secured for his country in the darkest hour of its struggle the powerful aid of France, were citizens of Pennsylvania.

History since the Revolution. — In 1787 the convention which framed the Constitution of the United

States met and did its great work in the same historic statehouse in which the Declaration of Independence had been signed and in which the Continental Congress had met. For the last decade of the eighteenth century Philadelphia was the seat of the national government. Here, in a great marble building on Chestnut Street, now the Custom House, was the home of the United States Bank. And here was established the chief national mint, where it still remains. Pennsylvania has always borne a prominent and honorable part in the history and development of the country. She furnished hundreds of thousands of brave soldiers and many able officers to the Union armies during the Southern rebellion. The most important battle of the war was fought at Gettysburg on her soil. And her agricultural and mineral resources and her manufactures, which constantly develop and increase so marvellously, make the Keystone State in many respects the most important state in the Union.

CHAPTER II.

THE STATE CONSTITUTIONS.

The Earlier Constitutions. — The final charter of privileges given to Pennsylvania by William Penn in 1701 was the fundamental law of the province until 1776. In that year a state convention met in Philadelphia and framed a constitution, which superseded Penn's charter. In 1790 another state convention met in Philadelphia and framed a second constitution, which was adopted by a popular vote the same year. In 1837-38 a third constitution was drawn up by a convention which held its meetings in Harrisburg and Philadelphia, and which by a close popular vote superseded the constitution of 1790.

The Present Constitution. — In 1872-73 a fourth constitutional convention, composed of one hundred and thirty members, elected by the people of the state for this purpose by authority of an act of the state legislature, met also at Harrisburg and at Philadelphia, and framed a constitution for the state, which, having been ratified by a large majority of the voters of the state in 1873, has since January 1, 1874, been the supreme law of Pennsylvania. This is commonly known as The Constitution of 1873. It was carefully and wisely drawn up; it has worked well in practice and is in almost every particular a model state constitution.

The full text of this constitution will be found in the appendix.

How the Constitution may be amended.—Amendments to the constitution must be agreed to by a majority of the members of each branch of the state legislature in two successive sessions (which come two years apart), and must then be submitted to the popular vote of the state. Amendments cannot be submitted oftener than once in five years. No amendment has yet been made to the present constitution. (See Const. Art. XVIII.)

CHAPTER III.

THE STATE GOVERNMENT.—LEGISLATIVE DEPARTMENT.

THE legislative power in Pennsylvania is vested by the constitution in a General Assembly, which consists of a Senate and a House of Representatives.

The Senate.—Every ten years, following the new census, the state is divided by an act of the Assembly into fifty senatorial districts, which should have about the same population.¹ Each of these districts elects² a

¹ The constitution requires that the senatorial districts shall be “of compact and contiguous territory as nearly equal in population as may be.” But partisan legislation in Pennsylvania, as in other states, constantly disregards these requirements and so apportions the state as to give the party in power the largest possible number of senators. This gerrymandering, which is even worse in the congressional apportionments in the various states, is one of the serious dangers confronting our government.

² All elective officers in Pennsylvania, whether for state or local offices, are chosen by the votes of the male citizens, twenty-one years of age and upwards and having the following qualifications: 1. If of foreign birth they must have been naturalized at least one month before the election. 2. They must have resided in the state for one year immediately preceding the election, or, if having previously been voters or natural-born citizens of the state and having removed therefrom, they must since their return have resided in the state at least six months immediately preceding the election. 3. They must have resided in the election district where they vote at least two months immediately preceding the election. 4. If twenty-two years of age or upwards, they must have paid state or county tax within two years of the election and at least one month previous to it. The

senator for a term of four years, one-half of the members being elected every two years. Senators must be twenty-five years of age, must have been citizens of the state for four years, and of their respective senatorial districts for one year preceding their election.

The House of Representatives.—The House of Representatives numbers about 200¹ members, reapportioned every ten years among the different counties in proportion to their population, but each county must have at least one representative. Representatives must be twenty-one years of age, and like the senators must have been citizens of the state for four years, and of their legislative districts for one year immediately preceding their election.

Sessions of the General Assembly.—The General Assembly meets regularly but once in two years, the sessions being held in the odd years. They begin on

laws also provide for the registering of voters two months or more before the election, but this is only intended to establish the two months' residence in the district preceding the election, and is not a necessary prerequisite. Voters who have no taxable property have their occupations assessed (or valued), generally at a nominal rate, and upon this they pay a county tax which entitles them to vote. There is no poll tax in Pennsylvania, though this occupation tax is often called a poll tax. All elections in Pennsylvania are by a plurality vote. That is, the successful candidate needs only the highest vote of all the candidates for his office, and does not need a majority of all the votes cast. All regular elections for state and county offices are held on the first Tuesday following the first Monday in November. All city, borough, and township officers are elected on the third Tuesday of February.

¹The House of Representatives has as near 200 members as a fair apportionment among the counties and the allowance of at least one member to each county permits. For the exact method of apportionment of its members see Art. II., sec. 17, of the constitution. Usually the number is a little greater than 200. Under the present apportionment it is 204.

the first Tuesday of January and continue until the two houses agree to adjourn, the sessions generally lasting about five months. The governor may call a special session of both houses or of the Senate alone, when he deems it necessary. The two houses hold their sessions in their respective chambers in the state capitol at Harrisburg, the Senate being presided over by the lieutenant-governor, and the House of Representatives by a speaker chosen by themselves from their own number. Members of the Assembly receive a salary of \$1500 for each regular session, and of \$500 for any special session.

Duties of the General Assembly. Passage of Laws.

— The chief duty of the General Assembly, or, as it is popularly called, the Legislature, is to make laws for the state.¹ In order to become a law a bill must be passed three times by each house, and at its third passage the vote must be by yeas and nays, and it must receive the votes of a majority of all the members elected to each house. If the bill is then signed by the governor, or is not returned with his disapproval within ten days,² it becomes a law. If the governor disapproves the bill, he returns it with his objections to the house in which it originated. If it again passes both houses, and by a two-thirds yea and nay vote of all their members, it becomes a law in spite of the gov-

¹ Do not fail to read the prefatory note in connection with this.

² If the General Assembly adjourns before the ten days have expired, the governor has thirty days after the adjournment in which to approve or veto the bill. The governor has and frequently exercises the important right of disapproving of certain items of appropriation bills, while approving the other items of the same bills.

ernor's veto. Both houses have standing committees, to some one of which every bill is referred for consideration before being acted upon. The confirmation of all state officers appointed by the governor is in the hands of the Senate; such confirmation requires a two-thirds vote of all the senators and must be considered in open session of the Senate.

CHAPTER IV.

THE EXECUTIVE DEPARTMENT.

The Governor. His Powers and Duties. — The chief executive of the state is the governor, who is elected for four years,¹ and is ineligible to the office for the next succeeding term. He must be a citizen of the United States, thirty years of age, and must have been a citizen of the state for seven years preceding his election. It is his duty to approve or to veto all bills passed by the General Assembly, to appoint many of the officers of the commonwealth, and to execute the laws of the state. He is commander-in-chief of the state militia. He has a salary of \$10,000 per year and the free use of the governor's mansion at Harrisburg.

The Lieutenant-Governor. — A lieutenant-governor is elected at the same time and for the same term as the governor, and he must have the same requirements. He presides over the sessions of the Senate, but has no vote there except in case of a tie. In case of the death, resignation, removal, or disability of the governor, the lieutenant-governor assumes his position and his duties.

Other Executive Officers. — The secretary of the commonwealth is appointed by the governor and may

¹ He is elected in the even years, midway between the presidential elections. His term of office begins on the third Tuesday of January following his election.

be removed by him at any time. He keeps a record of the official acts of the governor, and records and publishes the acts passed by the Legislature. Through his office all corporations for profit¹ must receive their charters. The attorney-general is also appointed by the governor, and during his pleasure. He is the law officer of the commonwealth, and the legal adviser of the governor and the heads of departments. He prosecutes the claims of the state and is its attorney in all its suits. The auditor-general is elected by the voters of the state for a term of three years. He examines and settles all accounts between the state and individuals or corporations. The state treasurer is also elected and for a term of two years. He is the custodian of the funds of the state. The secretary of internal affairs is elected at the same time and for the same term as the governor. He has charge of the land office of the state, and therefore of the records of the original transfers of land in the state; he collects and publishes vital and industrial statistics of the state, as well as the reports of its railroads, canals, telegraph and telephone companies. The superintendent of public instruction is appointed by the governor for a term of four years and has general supervision of the public schools of the state. The adjutant-general is appointed by the governor during his pleasure. He is the governor's military executive officer and, subject to the governor's orders, is at the head of the national guard in state militia.²

¹ Corporations not for profit, such as churches, secret societies, colleges, hospitals, etc., are chartered by the local courts.

² The militia of Pennsylvania is a body of citizen soldiery, regularly

The Pardon Board. — The governor has power to grant pardons, reprieves, or commutations of sentences, but only when they have been recommended by a majority of the board of pardons, which consists of the lieutenant-governor, the secretary of the commonwealth, the attorney-general, and the secretary of internal affairs. This is an admirable feature of the constitution and works well in practice.

organized into companies in all parts of the state. They are uniformed and armed by the state and have weekly drills, but are paid only when called out into the service of the state or into annual encampment. The companies are organized into 15 regiments and three brigades, numbering more than 8000 men. They may be called upon by the governor to suppress insurrections or riots and to execute the laws of the state, when the local authorities are unable to do so.

CHAPTER V.

THE JUDICIARY DEPARTMENT.

THERE are two kinds of courts in Pennsylvania, the county courts and the Supreme Court of the state.

County Courts. Judges. — Every county having 40,000 inhabitants is a separate judicial district and has a judge of its own; much larger counties have two or more judges,¹ while the smaller counties are grouped into judicial districts of two or three counties each, with one judge for the whole district.² In this case the judge holds court at the different county seats in his district in turn. Judges are elected by the voters of their respective districts for terms of ten years.

Juries. — Each county elects every three years two³

¹ Philadelphia (which is a county as well as a city) has sixteen judges, Allegheny County has eleven, Luzerne County has four, etc. The judicial apportionment and the multiplication of judges are in the hands of the legislature and the governor. The tendency is to increase the number of judges unduly.

² Besides this judge who is "learned in the law," every county which is not a separate judicial district elects for five-year terms associate judges, who need not be, and usually are not, lawyers. These associate judges, being citizens of the county, are well acquainted with the people and the needs of the county, and are thus able to assist the president judge in local decisions and appointments. Occasionally a small county is "attached" to a larger one constituting a separate district, whose judge then holds court in the attached county.

³ Although two are elected, each voter votes for but one, which usually results in the election of one from each of the two dominant political parties, as was intended.

jury commissioners, who with the judge each year select citizens suitable for jury duty, the names of those selected being written on separate slips of paper and put into the jury wheel. These citizens must be taken from all the townships and boroughs or cities of the county in proportion to their voting population, the total number being fixed by the judge according to the needs of the county. At stated intervals the jury commissioners, together with the sheriff of the county, draw by lot from the jury wheel the names of those who are to serve on the juries during the ensuing term of court. The first twenty-four names drawn are the grand jury; then the petit jurors, and afterwards the traverse jurors are drawn, the numbers in the last two classes being fixed by the judge according to the needs of the term.

Criminal Courts. — Court trials may be divided into criminal and civil trials. And there are two kinds of criminal courts. When persons are tried for lighter offenses, such as theft, assault and battery, etc., the court which tries them is called the court of quarter sessions.¹ But when they are tried for higher crimes as murder, forgery, burglary, etc., the court is called the court of oyer and terminer.² The same judge and the same jurors try both kinds of cases, and the forms of trial differ very little. The laws of the state

¹ So called because originally this court met four times per year, as it still does in most counties of the commonwealth.

² Its full title is the Court of Oyer and Terminer and General Jail Delivery. "Oyer and Terminer" are from the old Norman French and mean "to hear and determine." There is no reason except long-established usage for having two kinds of criminal court.

designate which offenses shall be tried by one court and which by the other.

Conduct of Criminal Trials. — When a person charged with a crime is to be tried, the indictment, or complaint against him, is drawn up by the district attorney and laid before the grand jury. Twenty-four men are always summoned to serve upon the grand jury, but if all attend, at least one of them is excused, and not more than twenty-three nor less than twelve may serve. The grand jury hears evidence against the accused in order to determine whether it will justify a trial. If twelve of the grand jury consider that the evidence does justify a trial, they “find a true bill,” and the prisoner must then be tried in open court. If twelve of the grand jury do not concur in this decision, the “bill is ignored,” and the prisoner is released. The ignoring of a bill, or indictment, by one grand jury does not prevent the finding of a true bill by a subsequent one and therefore the eventual trial of the case.

When a true bill has been found by the grand jury, the trial comes off in the court room either in quarter sessions or in oyer and terminer, as the offense charged demands. A jury of twelve men is drawn by lot¹ from the petit jurors. The witnesses for and against the prisoners then testify, the lawyers on both sides argue, the judge reviews the evidence and explains the law in the case in a charge to the jury, which then

¹ In the selection of the jury in a criminal suit the prosecution may peremptorily challenge (that is, reject without giving any reason) four jurors; the accused may always do the same, and when charged with one of the higher crimes he has twenty peremptory challenges. Either side may reject as many jurors for cause as the judge will allow.

retires to deliberate upon its verdict. The jury must be unanimous either to convict or acquit; if it cannot agree either way, the jury is discharged and the prisoner has a new trial.¹ If there is a conviction, the sentence is fixed and imposed by the judge. If the prisoner is acquitted, he cannot again be tried for the same offense, but if convicted the judge may, if he thinks justice has not been done, grant a new trial.

Civil Suits.—When the right to property or other dispute must be settled by a lawsuit, the case is tried in the court of common pleas, which is simply a different name for the court when trying civil cases. Here there is no grand jury, but a jury of twelve men is drawn by lot² from the traverse jurors. The trial is conducted in much the same way as in a criminal case, and here too the jury must be unanimous to find a verdict.

Other Courts.—Orphans' courts are held by the judge, or the judges, alone, and have jurisdiction of all proceedings on the estates of deceased persons and minors, etc.³ Argument courts are also held by the judges without juries, to hear and decide all legal questions submitted to them not requiring a jury.

¹ In trials for murder, where the punishment of death may be inflicted, the Supreme Court has decided that when a jury has been discharged on account of disagreement, the accused cannot be retried, under Art. I., sec. 10 of the Constitution. In such cases the judge usually refuses to discharge the jury until it has agreed upon some verdict.

² In the selection of a traverse jury twelve names are first drawn, and if either side desires to challenge any of these, eight more names are drawn. From these twenty each side may reject four, and the remaining twelve try the case.

³ In counties having 150,000 inhabitants there must be separate orphans' courts, with their own judges, and they may also be established in smaller counties by special acts of the legislature.

The Supreme Court.—The Supreme Court of Pennsylvania consists of a bench of seven judges, elected by the people of the state for a term of twenty-one years and at varying intervals; the judge who is the senior in office being the chief justice. For the convenience of the different sections of the state the Supreme Court holds sessions in Philadelphia, Harrisburg, and Pittsburg, in turn, each year. In rare cases they have original jurisdiction,¹ but their work consists almost wholly of hearing appeals² in cases which have been tried in the county courts. In these cases the supreme judges hear no evidence, but examine the evidence which was submitted to the lower courts and is printed in "paper books" for their use, and hear the arguments of the lawyers. The Supreme Court has no juries, the decisions being rendered in accordance with the opinions of a majority of the judges. The decision of this court is final³ as to all suits under the laws and the constitution of the state. A reporter, who is appointed by the governor for five years, compiles the decisions of the Supreme Court and superintends their publication in the "State Reports," for the guidance of the lower courts in subsequent decisions of the same questions.

¹ See Constitution, Art. V., sec. 3.

² Either party to a civil suit, no matter how small an amount is involved, who is dissatisfied with the result of the trial in the lower court, may appeal the case to the Supreme Court. Any criminal suit may also be appealed to the Supreme Court, but permission must first be had from one of the supreme judges, a provision which tends to prevent unnecessary appeals.

³ There is a popular impression that a case can be appealed from the Supreme Court of the state to the Supreme Court of the United States. But this cannot be done, unless it can be shown that the Constitution or laws of the United States are involved.

Common Law. — A large part of the laws which control the actions of courts and individuals in Pennsylvania and elsewhere is neither state nor national legislation, but is the so-called Common Law. This is a large mass of laws governing both criminal and civil actions, which were first formulated in the decisions of judges in the early history of England. These judges, finding no laws applying to many cases that came before them, decided them according to what they considered the principles of justice or according to the established customs of the time. These decisions, when just, were concurred in by other judges until there grew up in this way, without being passed by Parliament, a large body of laws, which really became the foundation of English law. As this common law was thoroughly established in the American colonies before the Revolution, it was after their freedom legally adopted by all of the states, and is now the basis of jurisprudence in all the states of the union¹ except Louisiana (whose laws were influenced by its early French domination), although special acts of the legislature have in many particular cases superseded the common law in Pennsylvania and the other states.

Habeas Corpus. — When there is reason to believe that any one is unjustly confined in jail, the judge within whose jurisdiction the jail is situated may order the jail keeper to bring the prisoner before him, that he may look into the case. This order of the judge to the jail keeper is called a writ of *habeas corpus*,² and when

¹ "Blackstone," usually the first text-book put into the hands of the law student, is a treatise on the common law by Sir William Blackstone, a famous English judge, who died in 1780.

² The words *habeas corpus* are Latin, and mean "you may have the body."

issued by a judge having proper jurisdiction, must be obeyed by the jail keeper except when in case of rebellion or invasion the public safety may require it to be disregarded. It is most commonly used when a prisoner has been charged with a crime so grave that the justice of the peace could not take bail, but could only commit him to jail to await his trial. The judge then fixes the amount of bail, if the offense is aailable one (all offenses except capital ones areailable), and approves the bail bond. Of course, if there is not sufficient evidence of crime to warrant a trial, the judge may release him altogether. The writ of *habeas corpus* is also used to secure the release of persons illegally confined in insane asylums or otherwise restrained, to secure to a parent the custody of a child of which he may be deprived, and in like cases.

Terms of Office and Salaries of Principal State Officers.

Governor	4 years.	\$10,000
Lieutenant-Governor	4 years.	3500 ¹
Secretary of the Commonwealth ²	Will of Governor.	5100 ¹
Attorney-General ²	Will of Governor.	4000 ¹
Auditor-General	3 years.	5200 ¹
Treasurer	2 years.	6200 ¹
Secretary of Internal Affairs	4 years.	4500 ¹
Adjutant-General	Will of Governor.	3100 ¹
Superintendent of Public Instruction	4 years.	4000
Chief Justice of Supreme Court	21 years.	8500
Each Judge of Supreme Court	21 years.	8000
County Judges — Philadelphia	10 years.	7000
County Judges — Allegheny Co.	10 years.	6000
County Judges — Dauphin Co.	10 years.	5000
County Judges — elsewhere	10 years.	4000
Senators ³	4 years.	1500
Representatives ³	2 years.	1500
Superintendent of Banking	4 years.	4000
Insurance Commissioner	3 years.	3000
State Librarian	4 years.	2500
Reporter of Supreme Court	5 years.	3000
Secretary State Board of Agriculture	1 year.	2500
Secretary State Board of Health	1 year.	2000
General Agent Board of Public Charities	1 year.	3000
Secretary of Lunacy Commission	1 year.	3000
Superintendent of Public Printing	4 years.	2000

¹ This includes compensation for certain extra duties which by law devolve upon this officer.

² The salary of this officer is largely increased by fees.

³ Senators and representatives receive regular salaries only for the years during which regular sessions of legislature are held. For extra sessions, which are seldom called, they receive \$500.

CHAPTER VI.

COUNTY GOVERNMENT.

PENNSYLVANIA is divided into sixty-seven counties, varying greatly in area and population. New counties may be formed from parts of the old ones by legislative enactment, but the present constitution forbids the formation of a new county with less than 400 square miles of territory and with less than 20,000 inhabitants, and also forbids such division as would reduce the area or population of an old county below these limits. The county officers are elected¹ for terms of three years by the voters of the county, and must have been citizens and residents of the county for at least one year prior to their election. In counties having less than 150,000 inhabitants the county officers are paid by fees,¹ which are fixed by law, but vary according to the services rendered. In the more populous counties some of these offices are quite lucrative. In counties having more than 150,000 inhabitants all county officers receive fixed salaries, and pay the fees collected into the state or county treasury. The county officers with their duties, etc., are as follows.²

¹ A few exceptions will be noted under the proper offices.

² In many of the counties two, and sometimes more, of the county offices are held by the same person. Smull's Handbook (see preface) gives the

County Commissioners.—The county commissioners are three in number. They correct, if necessary, the assessment or valuation of taxable property in the county, as made by the township, borough, or city assessors. They fix the rate of county tax, which with the state tax is collected by the township collectors.¹ They pay the county's bills by orders on the county treasurer. They erect the county buildings,² such as the courthouse, jail, almshouse, etc., as well as the larger bridges in the county, and attend to the county's business generally. They are paid \$3.50 for each day spent in the duties of their office.³ In the election of commissioners no person may vote for more than two candidates, the practical result of which is to allow the minority party to elect one of the commissioners, as was intended by the framers of the constitution.

names of the officeholders in the several counties. Only general accounts can here be given, as in almost every county of the state the duties, fees, etc., of the offices are modified by special legislation. Each teacher or student should therefore learn from those who are familiar with it of the particulars of the management of these offices in his own county. This sort of special legislation has not been possible since the adoption of the present state constitution, but the special laws previously passed are still in force in the various counties.

¹ In some of the counties, as in Chester, special legislation makes the county treasurer the collector of the state and county taxes. The township collectors then collect for the county only the delinquent taxes, which have not been paid to the treasurer.

² The commissioners can purchase land for or build or enlarge a public building only after the approval of the project by two successive grand juries and the court of quarter sessions (*i.e.* of the judge or judges while holding a court of quarter sessions).

³ There are a few exceptions to this, notably in Philadelphia and Allegheny counties, where they receive salaries of \$5000 and \$2000 per year respectively.

County Treasurer. — The county treasurer receives the state and county taxes. The former he pays over to the state treasurer, the latter he keeps in the county treasury and pays such bills as are approved by the county commissioners.¹ He receives a certain percentage on all money paid out of the county treasury, which percentage is fixed by the commissioners with the approval of the auditors.² He also receives a percentage on the state tax, which passes through his hands into the state treasury, as well as on special taxes (liquor license fees, mercantile taxes, etc.) that may come into his hands. A county treasurer cannot be re-elected for three years after the expiration of his term of office. He gives heavy bonds for the faithful discharge of his duties and the accounting for the public moneys.

Sheriff. — The sheriff is the chief executive officer of the county. He serves the writs (or orders) and the summonses ordered by the courts.³ He suppresses serious disturbances and protects property, and if unable to do this with the aid of his deputies and citizens (any of whom he has the right to call upon for assistance), he calls upon the governor to aid him with the state militia. He sells property for the debts of the owner when execution (order to sell) has been issued by the court. He makes arrests — chiefly, however, such as are ordered by the court. He has charge of criminals during their trials, and delivers them to the jail or peniten-

¹ In some counties certain other officers (such as directors of the poor and prison inspectors) are by special legislation authorized to draw warrants upon the county treasury.

² In many counties special legislation has fixed the fees of the county treasurer, and in several it gives him a fixed salary in lieu of fees.

³ *i.e.* of the judges, a very common signification of court.

tiary, and executes such as are condemned to death. In many counties (usually the smaller ones) he is the county jailer. Together with the jury commissioners he draws the juries, and he summons those whose names have been drawn. He gives notice by advertisements in the papers and by handbills of national, state, and county elections. He is paid by fees, fixed by law and varying according to the services performed. He gives bonds for the faithful performance of his duties, and like the treasurer cannot be re-elected until three years after the expiration of his term.

Prothonotary. — The prothonotary is the clerk of the court of common pleas, and as such makes up and keeps the records of the court and issues its writs and summonses. During the sessions of the court he, or his deputy, has a desk in the courtroom near the judge, and besides recording the proceedings, he calls up the jurors and administers the oaths to them and to the witnesses. In most of the counties he is also clerk of the courts of quarter sessions and oyer and terminer, when he performs the same duties for those courts. In some of the counties he is clerk of the orphans' court as well. The prothonotary also enters (or records), in books provided by the county, judgments¹ and mechanics'

¹ A judgment is a confession of debt, entered of record. It may be voluntarily given or may be obtained through suit brought before a justice of the peace or a court. Judgments are liens on the debtor's real estate, and take precedence in the order in which they are entered in the prothonotary's office. When thus recorded, a judgment holds its place as against purchasers and other lien creditors for five years. To retain its place it must be renewed before the expiration of the five years. Judgments as recorded in the prothonotary's office are open to the inspection of all who choose to examine them. If no interest has been paid, nor other acknowl-

liens.¹ He receives and keeps records of the returns of all elections for national, state or county officers held in the county. He is paid by fees, which vary with the service performed.

Clerk of the Courts. — The clerk of the courts is the clerk of the courts of oyer and terminer and quarter sessions. He is present at the sessions of these courts to record the proceedings and to call up and swear the jurors and witnesses. As clerk of the court of quarter sessions he has charge of the business connected with the laying out of roads and the granting of liquor licenses, both of which are under the jurisdiction of this court. He receives and keeps records of the returns of all elections for township, borough, and city officers, held in the county. He is paid by fees.

Clerk of the Orphans' Court. — This officer keeps the records and issues the writs and summonses of the orphans' court. In most of the counties this office is joined to some other, generally with that of clerk of the courts. He too is paid by fees.

Register of Wills. — The register of wills probates the wills left by citizens of the county at their death. He issues to the executors letters testamentary, and if no executors² have been appointed by will, he appoints edgment of the debt has been made for twenty years, and the judgment has not been revived within that time, the debt is discharged and the lien expires.

¹ Liens filed against a building by those who have furnished labor or material in its construction, and for which they have not been paid. They must be filed within six months after the labor or material has been furnished.

² Executors are persons named in a will to execute the provisions of the will. If there is no will, administrators appointed by the register settle the estate according to law.

administrators and issues to them letters of administration. He copies the wills into books provided for the purpose, and keeps safely the wills themselves. He is paid by fees, and gives bonds for the faithful performance of his duties.

Recorder of Deeds. — The law requires that all deeds transferring real estate in the county shall be recorded (*i.e.* copied in full) in the books of the recorder of deeds, which books are kept in the recorder's office for the information of the public. Mortgages¹ are also recorded in the office of the recorder of deeds. The recorder is also paid by fees, and gives bonds for the faithful performance of his duties. The offices of register of wills and recorder of deeds are in many counties united in the same person, and in a few of the smaller counties are consolidated with still others of the county offices.

Coroner. — The coroner inquires into the cause and manner of the death of any person who is slain or who dies suddenly and under suspicious circumstances in the county. To aid him in the inquest he summons a coroner's jury of six citizens of the county. If the coroner's jury finds any one guilty of homicide, it is the coroner's duty to commit him to prison for trial. Upon the death or removal of sheriff, the coroner performs his duties until a new sheriff is appointed. The

¹ A mortgage is a pledge of real estate for the payment of money. It never expires nor loses its priority (which depends upon the date of its record as compared with judgments and other mortgages) as long as interest on it is paid or other acknowledgment of the debt is made, nor for twenty years thereafter. After this time a mortgage, like a judgment, is presumed to be paid. Mortgages are among the best and most common forms of investment. It is important to record them promptly.

coroner is paid by fees, but there are only a few counties in the state in which the income of this office is considerable.

District Attorney. — The district attorney is the public prosecutor, who conducts the trials of persons charged with committing crimes. He is paid in fees by the county, and is necessarily a lawyer.

County Surveyor. — The county surveyor is the official surveyor of the county. This office is now usually of little importance or profit, and is sought after mainly to give a surveyor prestige and thus add to his private business.

Jury Commissioners. — Two jury commissioners are elected in each county every three years, but no person may vote for more than one candidate, which allows each of the two leading parties to elect one of these officers. As has been explained before (p. 24), the jury commissioners and the judge select persons for jury duty, and from the names of those thus selected the jury commissioners and the sheriff draw by lot those who are to serve upon the various juries at the different terms of court. Jury commissioners receive \$2.50 per day for each day spent in the performance of the duties of their office.¹

Directors of the Poor. — Formerly, as a general rule, each township, borough, and city supported its own paupers by granting them aid directly or by paying private individuals for their support, and each such district elected two overseers of the poor to attend to this duty. In nearly half of the counties of the

¹ In counties having from 100,000 to 150,000 inhabitants jury commissioners get a salary of \$250.

commonwealth, usually the smaller ones, this plan is still pursued. But when the commissioners of any such county deem it wise, they may, with the approval of two successive grand juries and of the court (or of a vote of the people, if the court deems that best), purchase or erect an almshouse for the paupers of the whole county. Three directors of the poor are then elected in the county, one each year, to serve three years, who supersede the township overseers of the poor, and have control of the management of the almshouse and the relief of the paupers of the county. The general law provides that each director of the poor shall receive a salary of \$100 per year, but this has been changed in many counties by special legislation.

Mercantile Appraiser. — The county commissioners each year appoint a mercantile appraiser, whose duty it is to visit the places of business of all dealers in merchandise in the county, and to estimate the amount of business done by them yearly, upon which a state tax is paid. The appraiser receives a fee of fifty cents for visiting each such place of business and making the appraisal, as well as six cents per mile for traveling expenses.

County Auditors. — Three auditors are elected in each county, but as no voter may vote for more than two of them, the third is elected by the minority party. They audit the accounts of the county commissioners, treasurer, and other county officers having the disbursement of public funds. They see that the taxes and other dues are collected and accounted for, that the accounts are properly kept, and that no illegal payments are made. They receive \$3 per day for the time spent at their work.

Prison Inspectors. — Most of the county jails are in charge of the sheriffs, who in such cases usually live in the jails and are paid by the profit derived from feeding the prisoners at such a rate as the county commissioners have fixed, but in several of the counties special laws have put them in charge of prison inspectors, who vary in number in different counties, and are generally appointed in part by the court and in part by the county commissioners. They hold office for one year, and receive small salaries.¹ They appoint and fix the salaries of the wardens of the jails and their assistants, and make the rules which govern the conduct of the prisons.

County Superintendent of Public Schools. — Along with the county officers we may for practical purposes class the county superintendent of public schools. He is elected every three years by the school directors of the county. His principal duties are to examine and certificate² teachers, to visit the public schools of the county, to hold an annual county teachers' institute, and to collect and transmit to the school department of the state the school statistics and reports of the county.

¹ In Chester County they receive \$25 per annum.

² Superintendents may grant provisional certificates for one year, or to experienced teachers professional certificates good until one year after the expiration of the superintendent's term of office. Permanent certificates are granted by the state superintendent of public instruction to holders of professional certificates who pass the examinations therefor conducted by a board of examiners appointed by the county institute. They are valid for life in the county where granted and in any other county whose superintendent may indorse them. The diplomas and state certificates granted by the state normal schools are life certificates, valid in all parts of the state except Philadelphia.

His salary is fixed¹ by the convention of school directors that elects him, but is paid out of the state treasury. Cities and boroughs or townships having a population of 5000 may elect their own superintendents.

¹ The law fixes the minimum salary at \$800, \$1000, or \$1500 according to the size of the county, the number of its schools, and the length of its school terms, and the maximum at \$2000, although the directors may go above the maximum with the understanding that such excess shall come out of the county's share of the state appropriation for its schools.

CHAPTER VII.

TOWNSHIP GOVERNMENT.

THE counties are divided up into townships, which vary much in area and population, but are never of great size nor very populous. In New England and sometimes in certain other parts of the country the divisions of the counties, instead of being called townships, are called towns, and are governed quite differently¹ from the townships in Pennsylvania. New townships may be created by the subdivision of old ones, when the citizens concerned vote to do so, such vote being ordered by the county court upon petition of the citizens of the proposed new township. The township is the smallest rural territorial division in Pennsylvania, but it possesses most important functions of government, as the following list of its officers and their duties shows.

Assessor. — Each township elects every three years an assessor, and at the same time two assistant assessors

¹The distinctive feature of New England town government is the "town meeting," which is a public meeting of the citizens of the town, where the town officers are elected, and the taxes and expenditures of the town for the coming year are determined. This is a pure democracy, the community being governed directly by the people. A Pennsylvania township is a representative democracy, the government being by representatives of the people, *i.e.* the township officers. It is very important to remember that in New England the word "town" is never used in the same sense as in Pennsylvania, but that it always means a township, which, however, may or may not have in it a Pennsylvania "town" or village.

who serve for but one year of the three. Once in three years the assessor and assistant assessors make a "trien-nial assessment," that is, they put a valuation¹ on the real estate and other taxable property in the township, which they report to the county commissioners, to whom (and even from them to the court) the property owners may appeal for redress if they believe their property has been assessed too high. In the intervening years the assessor reassesses property which has been improved by building, etc., and corrects the tax records when property changes hands. Each year the assessor calls upon those who have money at interest or invested in stocks, bonds, etc., to make a report of such investments.² The assessments of real and personal property as thus made are those upon which all taxes laid upon such property are made. The assessor also prepares each year a list of all the voters of the township, a copy of which he must put on the door of the building where the elections are held three months before the fall election. Where a township is divided into two or more voting precincts, each precinct elects a precinct assessor to enroll the names of its voters; in such cases the township assessor (*i.e.* the property assessor of the whole township) is usually the precinct assessor in the precinct in which he lives. Assessors and assistant assessors are paid by the county and receive \$2 per day for each

¹ The law requires that all property shall be assessed at its *bona fide* salable value. While in some counties this is faithfully done, in others property is systematically and intentionally undervalued. In a number of them the assessors aim to make the assessments about one-third of the real value of the property, and in some even less.

² This property is at the present time (1893) subject to a state tax of four mills on the dollar, but to no other tax.

day of service, although for preparing the list of the voters they often receive a few cents for each name instead of the daily pay.

Supervisors.—Every year each township elects two¹ supervisors, whose main business is the making and repairing of the public roads and bridges of the township. They fix and collect a road tax upon the assessed value of the property in the township. This tax they expend upon the roads and the bridges of the township. The supervisors represent the township in its corporate capacity in all except school matters. They are paid generally from \$1 to \$2 per day for the time spent upon the roads and a commission of five per cent for collecting the road tax.²

School Directors.—Every year each township elects two school directors³ to serve for three years, making six in all. The school directors are required by law to provide school facilities for all persons in the township between the ages of six and twenty-one years, who

¹ In some of the counties special legislation gives each township three or four supervisors, and in occasional townships even more.

² There has been much special legislation concerning the roads. In some places the repairing of the roads is sold at public auction for a term of (say three) years to the lowest bidder. It is the business of the supervisor to see that the repairs are properly made. In certain counties road commissioners and pathmasters take the place of supervisors.

The public roads in Pennsylvania (as generally in the United States) are with few exceptions badly constructed and kept. This is due chiefly to the unwillingness of the people to pay sufficient taxes to construct them properly, to the incompetence of supervisors, and to the practice (still sanctioned by law) of allowing taxpayers to "work out" their road taxes. The importance of having better roads is being generally agitated in the state, and the present system is likely to speedily give way to a better one.

³ Women are eligible to this office. This and school superintendencies are the only offices to which they are eligible in Pennsylvania.

desire to attend. They build and care for the school-houses, employ the teachers and fix their salaries, fix the length of the school term (at not less than six months), direct what branches shall be taught, make the rules for the government of the schools, and supervise their work. Once every three years they elect a county superintendent of public schools. They determine the amount of tax to be levied for school purposes,¹ and have the right to borrow money for the purpose of erecting school buildings or purchasing grounds therefor. School directors receive no pay for their services.

Overseers of the Poor. — In counties where there are no almshouses, each township supports its own paupers, and elects annually two overseers of the poor to attend to this duty. They fix the amount of the poor tax, and expend the same in the maintenance of the paupers, either by supporting or aiding them in their homes or by paying others to provide for them. To secure regular relief the pauper must have an order signed by two justices of the peace. The overseers of the poor receive a small compensation from the poor fund.

Collector. — Each township elects annually a collector of taxes, who collects the county and township taxes.²

¹ The schools are supported partly by an appropriation from the state treasury, which is distributed directly to the townships in proportion to the number of taxables (persons paying taxes) in each township, and is expended by the school directors. The state appropriation for schools has rapidly increased and is now (1893) \$5,000,000 per annum. The total amount raised by local taxation in the state is about double this, making the total expenditure for public schools in the commonwealth now about \$15,000,000 per annum.

² As before stated, the great part of the county tax is in some counties collected by the county treasurer. The supervisors may either collect the road tax themselves or put it into the hands of the collector.

He receives a commission on the tax collected, which varies from two to five per cent according to its amount and the difficulty of collecting it.

Town Clerk. — The laws of the state provide for the election of a town clerk annually. His business is to act as clerk to the supervisors and to keep the township records, as well as a record of the stray animals that may be found in the township and reported to him. This office is now generally deemed of no importance. If filled at all, its incumbent has few if any duties to perform.

Auditors. — Each year one township auditor is elected to serve three years. The three auditors once a year examine the accounts of the supervisors, school directors, and other township officers who handle public funds. They post in conspicuous places in the township written or printed handbills, detailing the receipts and expenditures of the township officers. The auditors are the taxpayers' check upon illegal and extravagant expenditures of township funds. If they disapprove of any expenditure, the official who made it must refund it to the township, although he may appeal to the court for redress. Auditors receive \$2 per day for each day necessarily spent in the duties of their office.

Justice of the Peace. — Each township elects two justices of the peace for terms of five years; frequently, however, but one of the two is expected to and does take out his commission.¹ When any person is accused of committing a crime,² the justice upon proper com-

¹ A justice of the peace must be commissioned by the governor.

² A justice of the peace has jurisdiction anywhere within the county,

plaint, issues a warrant for his arrest, and when brought before him, if the evidence against him warrants it, he may for some minor offences inflict punishment by fine or, rarely, by imprisonment; but generally he sends the case to court. For lighter crimes the justice may release the prisoner on bail until the time of his trial by the court, but if he cannot find satisfactory bail he must await trial in jail. For grave crimes the justice must send the accused to jail, whence he can only be released by the judge through a writ of *habeas corpus* (see p. 28). Suits for debts not exceeding \$300 may be brought before a justice of the peace, and where his decision involves not more than \$5.33 it is final; if more than that, the case can be appealed to court. A justice of the peace also administers oaths or affirmations, acknowledges deeds and other papers, issues search warrants, etc. He is also authorized to perform the marriage ceremony. His pay is from fees paid by the parties interested, which fees are fixed by law.

Constable. — Each township elects for three years a constable, who preserves the peace of the township, makes arrests upon warrants issued by justices of the peace, and takes persons thus arrested before the justice and afterwards to jail, if committed by the justice. He serves subpoenas upon witnesses as issued by justices, and summonses in civil suits when issued by the same officer. He makes searches of suspected premises for stolen goods when authorized by the justice, and seizes and sells debtor's property upon justice's executions.

but not outside of it. Complaint may be made or suit brought before any justice in the county where the crime was committed or where the debtor may be found.

He gives official notice by posters of the township elections and four times a year is required to attend the court of quarter sessions in order to report violations of the law of which he may have knowledge. He too is paid by fees, which are fixed by law.¹

¹ In addition to the officers enumerated, in certain parts of the state, township treasurers are elected, whose duty is, as their name implies, to have charge of the funds of the township.

CHAPTER VIII.

BOROUGHs AND CITIES.

How Boroughs are formed. — When the inhabitants of a village desire a different government from that of the township of which they have been a part, a majority of the freeholders must petition the court for incorporation as a borough. If the project is approved by a grand jury and the judge, the village becomes a borough. When a borough grows to considerable size, the court may divide it into wards.

The Government¹ of Boroughs. — The government of boroughs is in the hands of a chief burgess and a town council, who are usually elected for two years, one-half of the council being elected each year. When the borough is not divided into wards, there usually are five councilmen. Where the borough is divided into wards, the chief burgess is elected by a vote of the whole borough, but each ward elects from one to three members of the council. The council has control of the streets and sidewalks,² of the abatement of nuisances, and of whatever may be prejudicial to the public health,

¹ Many boroughs had special charters from the legislature before the adoption of the present constitution, which causes their government to differ to a greater or less extent from the general plan here given.

² As a rule, real estate owners lay the sidewalks along their properties when ordered by the borough council, while the borough paves the streets.

provides for the lighting of the streets, for water for general use,¹ for protection from fires, for the preservation of good order by borough police if necessary. The chief burgess is the chief executive of the borough. He enforces the ordinances of the council, preserves the order and the peace of the borough, and has the jurisdiction of a justice of the peace within the borough so far as the order and peace of the borough are concerned. He may punish offenders by fines or short imprisonment. The chief burgess usually receives a small salary, but the other members of the council serve without pay. The council lays taxes for borough expenses and may borrow² money for borough improvements.

Other Borough Officers.—The other officers of a borough are practically the same as those of a township, except that a borough has no supervisors, their duties being absorbed into those of the council. When the borough is undivided into wards, there are usually but six school directors, as in the townships. But when the borough has been divided into wards, each ward elects from one to three school directors according to the desire of the citizens as confirmed by the court.

¹ The boroughs collect water rents, varying according to the amount used, from those using the borough water. In many boroughs, however, the water is supplied by private water companies.

² The state constitution provides that the debt of no borough, city, county, or township shall exceed two per cent of its assessed valuation without the consent of the voters thereof, and that it never shall exceed seven per cent thereof, except that when the debt was already as great as seven per cent of the valuation in 1874, when the constitution was adopted, an increase of three per cent of the valuation may be authorized by law.

THE GOVERNMENT OF CITIES.

Cities and How they are Formed.—When a borough's population reaches 10,000 or more, it may, if a majority of its voters so decide, become a city. This gives the community increased power of self-government and a form of government better suited to its increased population. In imitation of the division of the national and state legislative bodies, the councils are divided into two branches, called common and select councils. The select council corresponds to a senate in being the smaller body, and membership therein is deemed more honorable than in the common council. For purposes of legislation the cities of the state have been divided¹ by law into three classes according to their population, as follows : —

Cities of the first class have 600,000 or more inhabitants.

“ “ “ second class have from 100,000 to 600,000 inhabitants.

“ “ “ third class “ “ 10,000 to 100,000 “

Government of Cities of the Third Class.—The select council consists of one member elected from each ward for four years, one-half of the wards electing every two years. The common council has two members elected from each ward, and may have more from especially large wards, who are elected for two years, one-half of them

¹ This is a device on the part of the legislature to “get around” the provision of the constitution forbidding special legislation. Otherwise it would be impossible to provide such special forms of government for the larger cities as their peculiar conditions required. The Supreme Court has decided that legislation for any one or more of these classes is constitutional.

being elected each year. Instead of a chief burgess there is a mayor, who is elected for four years, and cannot serve for two consecutive terms. City ordinances must be passed by both councils and be signed by the mayor, or, if vetoed by him, may be passed over his veto by a two-thirds vote of both councils. Councils meet once a month or oftener, and, besides making the borough ordinances or laws, they fix the rate for city taxes, and appropriate the money thus raised to the various needs of the city. They may also borrow money (see footnote on p. 49). The mayor is the chief executive officer of the city. He executes the ordinances of councils and the laws of the state so far as his jurisdiction extends. He punishes offenders by fines or by short terms of imprisonment in the county or city jail. He appoints and controls the police force. The councilmen serve without pay, but the mayor is paid a salary, which is fixed by councils, and he must pay into the city treasury all fines which he collects.

Other City Officers.—In all the cities of the third class, the people elect every two years a city treasurer and a controller. The latter audits all the city's accounts and must countersign all warrants before the treasurer may pay them. The councils in joint session elect a city solicitor, who is the legal adviser and attorney for the city. These three officials receive salaries fixed by the councils. Each ward elects two school directors for four year terms, one half of the whole number retiring every two years. These directors [or school controllers, as they are often called] appoint a superintendent of schools every three years and the teachers annually, fix their salaries, provide

and care for school buildings, and manage the schools generally. Like the directors of the townships and boroughs, they may assess and collect separate taxes for the schools, and expend the same upon them as authorized by the laws of the state. Each ward of the city elects one alderman for five years and a constable for three years. The alderman takes the place and has the jurisdiction of a justice of the peace.

Government of the Larger Cities.¹—Only Philadelphia is in the first class, and only Pittsburg and Allegheny are in the second class. They have mayors and two councils, as do the smaller cities. In Philadelphia the mayor, with the approval of the select council, appoints a director of public safety, who has charge of the police and fire departments; a director of public works, who has charge of the streets, sewers, city water and gas works, etc.; a board of health and a board of charities and corrections, who have charge of the charitable and penal institutions of the city. Any of these may be removed by the mayor for cause. In the others the directors of public safety and of public works, as well as the board of charities, etc., are elected by the councils instead of being appointed by the mayor, but the police magistrates are appointed by the mayor instead of being elected by the voters of the different wards, as in Philadelphia and the smaller cities. The school system of Philadelphia is entirely

¹ In Pennsylvania, as elsewhere in the United States, the weakest point in the whole system of government is in the government of its large cities. And here, as elsewhere, recent tendency has been towards concentrating greater power, and hence greater responsibility, in the hands of the mayor. The present government of Philadelphia is a good illustration of this tendency, and so far it has worked well in practice.

separate from that of the rest of the state. The city judges appoint a central board of education, which elects the superintendent and assistant superintendents, provides for the certificating of teachers, and fixes their salaries, but the selection of teachers is in the hands of directors elected in each ward. In Pittsburg and Allegheny the schools are managed as in the smaller cities. But in the cities of both the first and second class the schools are supported from appropriations made by the councils.

CHAPTER IX.

NOMINATIONS.

Nominations for State Offices. — When state officers are to be elected, each party holds a state convention composed of delegates¹ representing the members of that party in the different counties of the state. This convention is held some months before the election, the time and place of holding it being fixed by the "state committee," which is a committee of the party consisting of one member from each county and appointed by the last state convention, although really the member of the committee for each county is suggested by the delegates from the county. The state convention nominates candidates for the state offices to be filled; for whom the voters of the party are expected to vote. Once in four years the state convention also appoints two delegates² for each of the state's congressmen to a national convention, which nominates the candidates of the party for the presidency and vice-

¹ The Republican and Democratic parties send delegates to the state convention from each county in proportion to the vote of the party in that county. The minor parties, not being so closely organized, have no fixed number of delegates from the different counties.

² Only the national delegates and presidential electors who stand for the United States senators are really selected by the state convention. The others are selected by the members of the party in the different congressional districts or by the delegates from the districts, and the state convention simply ratifies these choices.

presidency. The state convention also nominates its party's candidates for presidential electors. Besides making nominations, the state convention adopts a platform which is supposed to embody the political views and policy of the party in the state. The state committee above referred to takes charge of the party's campaign, acting mainly through its chairman, who is therefore the chief agent of his party in endeavoring to elect its candidates, although this chairman is not elected by the committee, but by the party's candidates.

Nominations for County Offices.—Two methods of nominating county officers are practiced in Pennsylvania. Most of the counties have the "delegate system." By this system the voters of the party assemble¹ in their respective voting precincts at a time fixed by the rules of the party in the county, and select delegates to a county convention, the number of the delegates from each precinct usually depending upon the strength of the party vote at the last general election. These delegates are usually, and in some counties always, instructed by those who choose them to vote in the convention for the nomination of certain candidates for the offices to be filled. At the convention these delegates nominate a ticket for the support of their party at the coming election. The county convention also elects the delegates to represent the county in the state con-

¹ These and the precinct voting for candidates under the other system are the primary elections or the "primaries." Their conduct is now governed by state laws, as well as by the rules of the party, in order to prevent fraud in connection with them. As the great majority of voters "stick" to their party ticket, the primaries are very important, nomination by the dominant party being in most cases equivalent to an election.

vention. The other method of nomination is called the "Crawford County system," from the name of the county where it originated. By this system each voter of the party who attends the primaries votes directly for his favorite candidates for the various offices, and those candidates receiving the highest number of votes in the whole county become the nominees of their party. A county committee, consisting of one voter from each voting precinct and chosen annually by the members of the party in the precinct, conducts the party's campaign, acting mainly through its chairman, whom the committee elects from year to year.

Nominations for Other Offices. — When several counties are to join in filling an office, the nominations are usually made by the joint action of delegates from the several counties. Nominations for the offices in the townships and smaller boroughs are made in the meetings of the members of the voters of the parties. In the larger boroughs and cities conventions, similar to the county conventions, are held for this purpose.

ELECTIONS.

All elections in Pennsylvania, as in most of the other states, are now conducted under an "Australian Ballot Law." All national, state, and county officers are elected on the Tuesday following the first Monday of November; while all township, borough, and city officers are elected on the third Tuesday in February.

Election Officers. — At the February election each precinct elects annually one judge of elections, who of course generally belongs to the majority party, and two

inspectors of elections. But as no one may vote for more than one inspector, each of the two leading parties secures one of these officers. These three officers conduct the elections for the ensuing year.

Ballots.— Only official ballots can be used, which for the fall elections are furnished by the county, but for the winter election by the township, borough, or city. Any party which at the preceding election polled three or more per cent of the total vote of state has the names of its nominees printed upon the tickets. Other candidates' names may be got upon the ticket by nomination papers, which must be signed by voters to the number of one-half per cent of the vote polled at the last state election, or for any part of the state to the number of three per cent of the vote last polled in such part of the state. Blank spaces are also left upon the ballots where the voter may write the names of candidates of his own choice.

Voting.— Each voter ¹ upon entering the voting room is furnished with an official ballot by the election officers; this he takes to a "booth" or stall erected for the purpose, where he marks a cross opposite the names of the candidates for whom he desires to vote, or opposite the name of the party, if he wishes to vote its whole ticket. He may, however, write in blank spaces on the ticket the names of any candidates of his own choice. The voter must not allow any one to see how he has marked his ballot, although if through illiteracy or infirmity he is unable to mark his ballot he may choose another voter to assist him. After marking his ballot, the voter folds and hands it to the election offi-

¹ For the qualifications of voters, see note on p. 16.

cers, who number it in the order in which it has been received, but to secure secrecy the officers must conceal the number by pasting the corner of the ballot over it. The number written on the ballot is also written opposite the voter's name on the list of voters which has been prepared by the assessor. This numbering is for the purpose of detecting any fraud in making the election returns.

When the polls are closed (they being kept open from 7 A.M. until 7 P.M.), the election officers count the votes and file a written report of the general elections (*i.e.* of the national, state, and county elections) with the prothonotary of the county, and of the local elections with the clerk of the courts. The prothonotary lays his returns before the judge, who computes them, examining also into any charge of fraud, and certifies to the prothonotary's report thereon to the secretary of state at Harrisburg, whence (with one or two exceptions) commissions are issued to these officers by the Governor through the secretary of state. The clerk of the courts and the election officers issue certificates of election to the successful candidates at the local elections, except to justices of the peace, whose commissions also come from the Governor.

CONSTITUTION OF PENNSYLVANIA.



PREAMBLE.

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that

SEC. 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

SEC. 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.

SEC. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect, or support any

place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

SEC. 4. No person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

SEC. 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

SEC. 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

SEC. 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation, subscribed to by the affiant.

SEC. 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy

public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

SEC. 10. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

SEC. 11. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

SEC. 12. No power of suspending laws shall be exercised unless by the Legislature, or by its authority.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

SEC. 15. No commission of oyer or terminer or jail delivery shall be issued.

SEC. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

SEC. 17. No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

SEC. 18. No person shall be attainted of treason or felony by the Legislature.

SEC. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

SEC. 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

SEC. 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

SEC. 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

SEC. 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behavior.

SEC. 25. Emigration from the State shall not be prohibited.

SEC. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II.

THE LEGISLATURE.

SEC. 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

SEC. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. When-

ever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

SEC. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years.

SEC. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

SEC. 5. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States, or of this State), and shall reside in their respective districts during their terms of service.

SEC. 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress, or other person holding any office (except of attorney-at-law or in the militia), under the United States, or this Commonwealth, shall be a member of either House during his continuance in office.

SEC. 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

SEC. 8. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

SEC. 9. The Senate shall, at the beginning and close of each

regular session, and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

SEC. 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 11. Each House shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

SEC. 12. Each House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

SEC. 13. The sessions of each House, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 15. The members of the General Assembly shall in all cases except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 16. The State shall be divided into fifty Senatorial districts

of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough, or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

SEC. 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by two hundred. Every county containing less than five ratios shall have one Representative for every full ratio, and an additional Representative when the surplus exceeds half a ratio; but each county shall have at least one Representative. Every county containing five ratios or more shall have one Representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the Representatives allotted to the county in which it is located. Every city entitled to more than four Representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of Representatives according to its population, but no district shall elect more than four Representatives.

SEC. 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts, agreeably to the provisions of the two next preceding sections.

ARTICLE III.

LEGISLATION.

SEC. 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

SEC. 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

SEC. 3. No bills, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

SEC. 4. Every bill shall be read at length on three different days, in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

SEC. 5. No amendments to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

SEC. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted, and published at length.

SEC. 7. The General Assembly shall not pass any local or special law authorizing the creation, extension, or impairing of liens; regulating the affairs of counties, cities, townships, wards, boroughs, or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways,

streets, or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets, or alleys; relating to cemeteries, grave-yards, or public grounds not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; erecting new counties, or changing county lines; incorporating cities, towns, or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs; changing township lines, borough limits, or school districts; creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election, or school districts; changing the law of descent or succession; regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables; regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment; remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining or manufacturing; creating corporations, or amending, renewing, or extending the charters thereof; granting to any corporation, association, or individual any special or exclusive privilege or immunity, or to any corporation, association, or individual the right to lay down a railroad track; nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed; nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided

for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

SEC. 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed.

SEC. 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolution passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

SEC. 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any person, except to an acting officer or employé elected or appointed in pursuance of law.

SEC. 11. No bill shall be passed giving any extra compensation to any public officer, servant, employé, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

SEC. 12. All stationery, printing paper, and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

SEC. 13. No law shall extend the term of any public officer, or

increase or diminish his salary or emoluments, after his election or appointment.

SEC. 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

SEC. 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 16. No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SEC. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

SEC. 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes to any person or community, nor to any denominational or sectarian institution, corporation, or association.

SEC. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated, but such appropriations shall be applied exclusively to the support of such widows and orphans.

SEC. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise, or interfere with any municipal improvement, money, property or effects, whether held in trust, or otherwise, or to levy taxes or perform any municipal function whatever.

SEC. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and in case of death from such injuries the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act

shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

SEC. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided, saving investments heretofore made.

SEC. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

SEC. 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

SEC. 25. When the General Assembly shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

SEC. 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, (except on the question of adjournment,) shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity, but any county or municipality may appoint such officers when authorized by law.

SEC. 28. No law changing the location of the capital of the State shall be valid, until the same shall have been submitted to the qualified electors of the Commonwealth, at a general election, and ratified and approved by them.

SEC. 29. A member of the General Assembly who shall solicit, demand, or receive or consent to receive, directly or indirectly, for

himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value, or enjoyment, or of personal advantage, or promise thereof, for his vote, or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be, in any way, influenced thereby, or who shall solicit, or demand any such money, or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give, or withhold his vote or influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

SEC. 30. Any person who shall, directly or indirectly, offer, give, or promise, any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 31. The offense of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation, or practice of solicitation, of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SEC. 32. Any person may be compelled to testify in any lawful investigation, or judicial proceeding, against any person, who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust, or profit in this Commonwealth.

SEC. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

THE EXECUTIVE.

SEC. 1. The executive department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, and a Superintendent of Public Instruction.

SEC. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

SEC. 3. The Governor shall hold his office during four years, from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

SEC. 4. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.

SEC. 5. No person shall be eligible to the office of Governor or Lieutenant Governor, except a citizen of the United States, who

shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

SEC. 6. No member of Congress, or person holding any office under the United States or this State, shall exercise the office of Governor or Lieutenant Governor.

SEC. 7. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

SEC. 8. He shall nominate, and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs, or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be at the second succeeding general election. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

SEC. 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentences and pardons, except in cases of impeachment; but no pardon shall be granted nor sentence commuted, except upon the recommendation, in writing, of the

Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session; and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

SEC. 10. He may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

SEC. 12. He may on extraordinary occasions, convene the General Assembly; and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

SEC. 13. In case of the death, conviction or impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

SEC. 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President *pro tempore* of the Senate; and the President *pro tempore* of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

SEC. 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it; but if he shall not approve he shall return it, with his objections, to the

House in which it shall have originated, which House shall enter the objections at large upon their journal and proceed to reconsider it. If, after such re-consideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections, to the other House, by which likewise it shall be re-considered, and if approved by two-thirds of all the members elected to that House, it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each House respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment prevent its return; in which case it shall be a law, unless he shall file the same with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

SEC. 16. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

SEC. 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required, lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

SEC. 19. The Secretary of Internal Affairs shall exercise all the powers, and perform all the duties of the Surveyor General, subject

to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

SEC. 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

SEC. 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor General three years, and of the State Treasurer two years. These officers shall be chosen by the qualified electors of the State at general elections. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

SEC. 22. The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal, and signed by the Governor.

ARTICLE V.

THE JUDICIARY.

SEC. 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish.

SEC. 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

SEC. 3. The jurisdiction of the Supreme Court shall extend over

the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, *certiorari*, or writ of error in all cases, as is now or may hereafter be provided by law.

SEC. 4. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

SEC. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

SEC. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the district courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be, in Philadelphia, vested in four, and in Allegheny in two, distinct and separate courts of equal and coördinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, and number four, and in Allegheny as the court of common pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said

courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia, all suits shall be instituted in the said courts of common pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue, as may be provided by law.

SEC. 7. For Philadelphia there shall be one prothonotary's office and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

SEC. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

SEC. 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace, and general jail delivery, and of the orphans' court, and within their respective districts, shall be justices of the peace as to criminal matters.

SEC. 10. The judges of the courts of common pleas, within their respective counties shall have power to issue writs of *certiorari* to

justices of the peace, and other inferior courts, not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

SEC. 11. Except as otherwise provided in this Constitution, justices of the peace, or aldermen, shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants not more than one alderman shall be elected in each ward or district.

SEC. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of aldermen is abolished.

SEC. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

SEC. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate or court not of record, either party may appeal to such court of record, as may be prescribed by law, upon allowance of the appellate court, or judge thereof, upon cause shown.

SEC. 15. All judges required to be learned in the law, except the

judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

SEC. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

SEC. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

SEC. 18. The judges of the Supreme Court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall, at stated times, receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State, or any other State.

SEC. 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth, and the other judges during their continuance in office shall reside within the districts for which they shall be respectively elected.

SEC. 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

SEC. 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof except such as are judicial, nor shall any of the judges exercise any power of appointment except

as herein provided. The court of *nisi prius* is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

SEC. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court, shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.

SEC. 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

SEC. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused, after conviction and sentence, may remove the indictment, record, and all proceedings to the Supreme Court for review.

SEC. 25. Any vacancy happening by death, resignation, or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

SEC. 26. All laws relating to courts shall be general, and of uniform operations, and the organization, jurisdiction, and powers

of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

SEC. 27. The parties by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error, as in other cases.

ARTICLE VI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SEC. 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor, and all other civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

SEC. 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office, or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly, and judges of the courts of record learned in the law, shall be removed by the Gov-

error for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII.

OATH OF OFFICE.

SEC. 1. Senators and Representatives, and all judicial, State, and county officers, shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation :

“I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity ; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law ; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf ; that I will not knowingly receive, directly or indirectly, any moneys or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.”

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken ; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or of a court of common pleas, learned in the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

SEC. 1. Every male citizen twenty-one years of age possessing the following qualifications shall be entitled to vote at all elections: *First.* He shall have been a citizen of the United States at least one month. *Second.* He shall have resided in the State one year (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election. *Third.* He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election. *Fourth.* If twenty-two years of age or upwards he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

SEC. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto.

SEC. 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

SEC. 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

SEC. 5. Electors shall in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and going to and returning therefrom.

SEC. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from

the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are, or shall be, prescribed by law, as fully as if they were present at their usual places of election.

SEC. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

SEC. 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

SEC. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

SEC. 11. Townships and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts

in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

SEC. 12. All elections by persons in a representative capacity shall be *viva voce*.

SEC. 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum at public expense, nor while confined in public prison.

SEC. 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of court of record, or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

SEC. 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, an office, appointment, or employment in or under the government of the United States or of this State, or of any city or county, or of any municipal board, commission, or trust in any city, save only justices of the peace, and aldermen, notaries public, and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local officers, below the grade of city or county officers, as shall be designated by general law.

SEC. 16. The courts of common pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers, and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election districts, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties. Whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election, all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

SEC. 17. The trial and determination of contested elections of electors of President and Vice President, members of the General Assembly, and of all public officers, whether State, judicial, municipal, or local, shall be by the courts of law, or by one or more of the law judges thereof, the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial, and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX.

TAXATION AND FINANCE.

SEC. 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of a purely public charity.

SEC. 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

SEC. 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

SEC. 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified, and no other.

SEC. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint-owner or stockholder in any company, association or corporation.

SEC. 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

SEC. 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

SEC. 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such

debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

SEC. 10. Any county, township, school district or other municipality, incurring any indebtedness, shall, at or before the time of so doing, provide for the collection of an annual tax, sufficient to pay the interest, and also the principal thereof within thirty years.

SEC. 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works, or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes, or other revenues of the State, not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

SEC. 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States, or of this State.

SEC. 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published, showing the amount of such moneys, where the same are deposited and how secured.

SEC. 14. The making of profit out of the public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor, and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

ARTICLE X.

EDUCATION.

SEC. 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth, above the age of six years, may be educated, and shall appropriate at least one million dollars each year for that purpose.

SEC. 2. No money raised for the support of the public schools of the Commonwealth, shall be appropriated to, or used for, the support of any sectarian school.

SEC. 3. Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

ARTICLE XI.

MILITIA.

SEC. 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defense, when, and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia, by appropriations from the Treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII.

PUBLIC OFFICERS.

SEC. 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed, as may be directed by law.

SEC. 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

SEC. 3. Any person who shall fight a duel, or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII.

NEW COUNTIES.

SEC. 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants, nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV.

COUNTY OFFICERS.

SEC. 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorder of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

SEC. 2. County officers shall be elected at the general elections, and shall hold their offices for the term of three years beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

SEC. 3. No person shall be appointed to any office within any county, who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SEC. 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors, and sheriffs, shall keep their of-

lices in the county town of the county in which they respectively shall be officers.

SEC. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

SEC. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well as for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

SEC. 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

ARTICLE XV.

CITIES AND CITY CHARTERS.

SEC. 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

SEC. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

SEC. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

ARTICLE XVI.

PRIVATE CORPORATIONS.

SEC. 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

SEC. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

SEC. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock

and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury, according to the course of the common law.

SEC. 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

SEC. 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

SEC. 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

SEC. 12. Any association or corporation, organized for the purpose, or any individual, shall have the right to construct and main-

tain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning a competing line or acquire, by purchase or otherwise, any other competing line of telegraph.

SEC. 13. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers, or privileges of corporations, not possessed by individuals or partnerships.

ARTICLE XVII.

RAILROADS AND CANALS.

SEC. 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross, any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SEC. 2. Every railroad and canal corporation organized in this State, shall maintain an office therein, where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed, or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 3. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within this State, or coming from or going to

any other State. Persons and property transported over any railroad, shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station; but excursion and commutation tickets may be issued at special rates.

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers, or managers of any railroad or canal corporation, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works, or franchises of, or in any way control any other railroad or canal corporation, owning, or having under its control, a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation, owning, or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

SEC. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

SEC. 6. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

SEC. 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise, and no railroad or canal company, or any lessee, manager, or employé thereof, shall make any preferences in furnishing cars or motive power.

SEC. 8. No railroad, railway, or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employes of the company.

SEC. 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

SEC. 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

SEC. 11. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

SEC. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

ARTICLE XVIII.

FUTURE AMENDMENTS.

SEC. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary

of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner and at such time, at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared, that:

SEC. 1. This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for, therein.

SEC. 2. All laws in force in this Commonwealth at the time of the adoption of this Constitution not inconsistent therewith, and all rights, actions, prosecutions and contracts shall continue as if this Constitution had not been adopted.

SEC. 3. At the general election in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, Senators shall be elected in all districts where there shall be vacancies. Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected.

SEC. 4. At the general election in the year one thousand eight hundred and seventy-six, Senators shall be elected from even numbered districts to serve for two years, and from odd numbered districts to serve for four years.

SEC. 5. The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected for three years; and the term of the Governor elected in the year one thousand eight hundred and seventy-eight, and of those thereafter elected, shall be four years, according to the provisions of this Constitution.

SEC. 6. At the general election in the year one thousand eight hundred and seventy-four, a Lieutenant Governor shall be elected according to the provisions of this Constitution.

SEC. 7. The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution; and, when the said officer shall be duly elected and qualified, the office of Surveyor General shall be abolished. The Surveyor General in office at the time of the adoption of this Constitution, shall continue in office until the expiration of the term for which he was elected.

SEC. 8. When the Superintendent of Public Instruction shall be duly qualified, the office of Superintendent of Common Schools shall cease.

SEC. 9. Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first official term, ineligible for reëlection at the end of such term.

SEC. 10. The judges of the Supreme Court in office when this Constitution shall take effect, shall continue until their commissions severally expire. Two judges, in addition to the number now composing the said court, shall be elected at the first general election after the adoption of this Constitution.

SEC. 11. All courts of record, and all existing courts which are not specified in this Constitution, shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy-five, without abridgment of their present jurisdiction, but no longer. The court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin, is hereby abolished, and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed of in the courts of oyer and terminer and quarter sessions of the peace of said county.

SEC. 12. The registers' courts now in existence shall be abolished

on the first day of January next succeeding the adoption of this Constitution.

SEC. 13. The General Assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts, as required by this Constitution. The judges in commission when such designation shall be made, shall continue during their unexpired terms judges of the new districts in which they reside; but, when there shall be two judges residing in the same district, the president judge shall elect to which district he shall be assigned, and the additional law judge shall be assigned to the other district.

SEC. 14. The General Assembly shall, at the next succeeding session after each decennial census, and not oftener, designate the several judicial districts, as required by this Constitution.

SEC. 15. Judges learned in the law of any court of record, holding commissions in force at the adoption of this Constitution, shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin, as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

SEC. 16. After the expiration of the term of any president judge of any court of common pleas, in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in commission shall be the president judge thereof; and when two or more judges are elected at the same time in any judicial district, they shall decide by lot which shall be president judge; but when the president judge of a court shall be reëlected he shall continue to be president judge of that court. Associate judges not learned in the law, elected after the adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

SEC. 17. The General Assembly, at the first session after the adoption of this Constitution, shall fix and determine the compensation of the judges of the Supreme Court and of the judges of the several judicial districts of the Commonwealth; and the provisions of the thirteenth section of the article on legislation shall not be deemed inconsistent herewith. Nothing contained in this Consti-

tution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission.

SEC. 18. The courts of common pleas in the counties of Philadelphia and Allegheny shall be composed of the present judges of the district court and court of common pleas of said counties until their offices shall severally end, and of such other judges as may from time to time be selected. For the purpose of first organization in Philadelphia, the judges of the court number one, shall be Judges Allison, Pierce and Paxson; of the court number two, Judges Hare, Mitchell and one other judge, to be elected; of the court number three, Judges Ludlow, Finletter and Lynd; and of the court number four, Judges Thayer, Briggs and one other judge, to be elected. The judge first named shall be the president judge of said courts respectively, and thereafter the president judge shall be the judge oldest in commission; but any president judge reëlected in the same court or district shall continue to be president judge thereof. The additional judges for courts numbers two and four shall be voted for and elected at the first general election after the adoption of this Constitution, in the same manner as the two additional judges of the Supreme Court, and they shall decide by lot to which court they shall belong. Their term of office shall commence on the first Monday of January, in the year one thousand eight hundred and seventy-five.

SEC. 19. In the county of Allegheny, for the purpose of first organization under this Constitution, the judges of the court of common pleas, at the time of the adoption of this Constitution, shall be the judges of the court number one, and the judges of the district court, at the same date, shall be the judges of the common pleas number two. The president judges of the common pleas and district court shall be president judge of said courts number one and two, respectively, until their offices shall end; and thereafter the judge oldest in commission shall be president judge; but any president judge reëlected in the same court or district shall continue to be president judge thereof.

SEC. 20. The organization of the courts of common pleas under this Constitution for the counties of Philadelphia and Allegheny shall take effect on the first Monday of January, one thousand eight hundred and seventy-five, and existing courts in said counties shall

continue with their present powers and jurisdictions until that date, but no new suits shall be instituted in the courts of *nisi prius* after the adoption of this Constitution.

SEC. 21. The causes and proceedings pending in the court of *nisi prius*, court of common pleas and district court, in Philadelphia, shall be tried and disposed of in the court of common pleas. The records and dockets of said courts shall be transferred to the prothonotary's office of said county.

SEC. 22. The causes and proceedings pending in the court of common pleas, in the county of Allegheny, shall be tried and disposed of in the court number one; and the causes and proceedings pending in the district court shall be tried and disposed of in the court number two.

SEC. 23. The prothonotary of the court of common pleas of Philadelphia, shall be first appointed by the judges of said court, on the first Monday of December, in the year one thousand eight hundred and seventy-five, and the present prothonotary of the district court, in said county, shall be the prothonotary of the said court of common pleas until said date, when his commission shall expire; and the present clerk of the court of oyer and terminer and quarter sessions of the peace, in Philadelphia, shall be the clerk of such court until the expiration of his present commission, on the first Monday of December, in the year one thousand eight hundred and seventy-five.

SEC. 24. In cities containing over fifty thousand inhabitants, except Philadelphia, all aldermen in office at the time of the adoption of this Constitution, shall continue in office until the expiration of their commissions; and at the election for city and ward officers, in the year one thousand eight hundred and seventy-five, one alderman shall be elected in each ward, as provided in this Constitution.

SEC. 25. In Philadelphia, magistrates, in lieu of aldermen, shall be chosen, as required in this Constitution, at the election, in said city, for city and ward officers, in the year one thousand eight hundred and seventy-five; their term of office shall commence on the first Monday of April succeeding their election. The terms of office of aldermen, in said city, holding, or entitled to, commissions, at the time of the adoption of this Constitution, shall not be affected thereby.

SEC. 26. All persons in office in this Commonwealth, at the time of the adoption of this Constitution, and at the first election under it, shall hold their respective offices until the term for which they have been elected, or appointed, shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

SEC. 27. The seventh article of this Constitution, prescribing an oath of office, shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

SEC. 28. The terms of office of county commissioners and county auditors, chosen prior to the year one thousand eight hundred and seventy-five, which shall not have expired before the first Monday of January, in the year one thousand eight hundred and seventy-six, shall expire on that day.

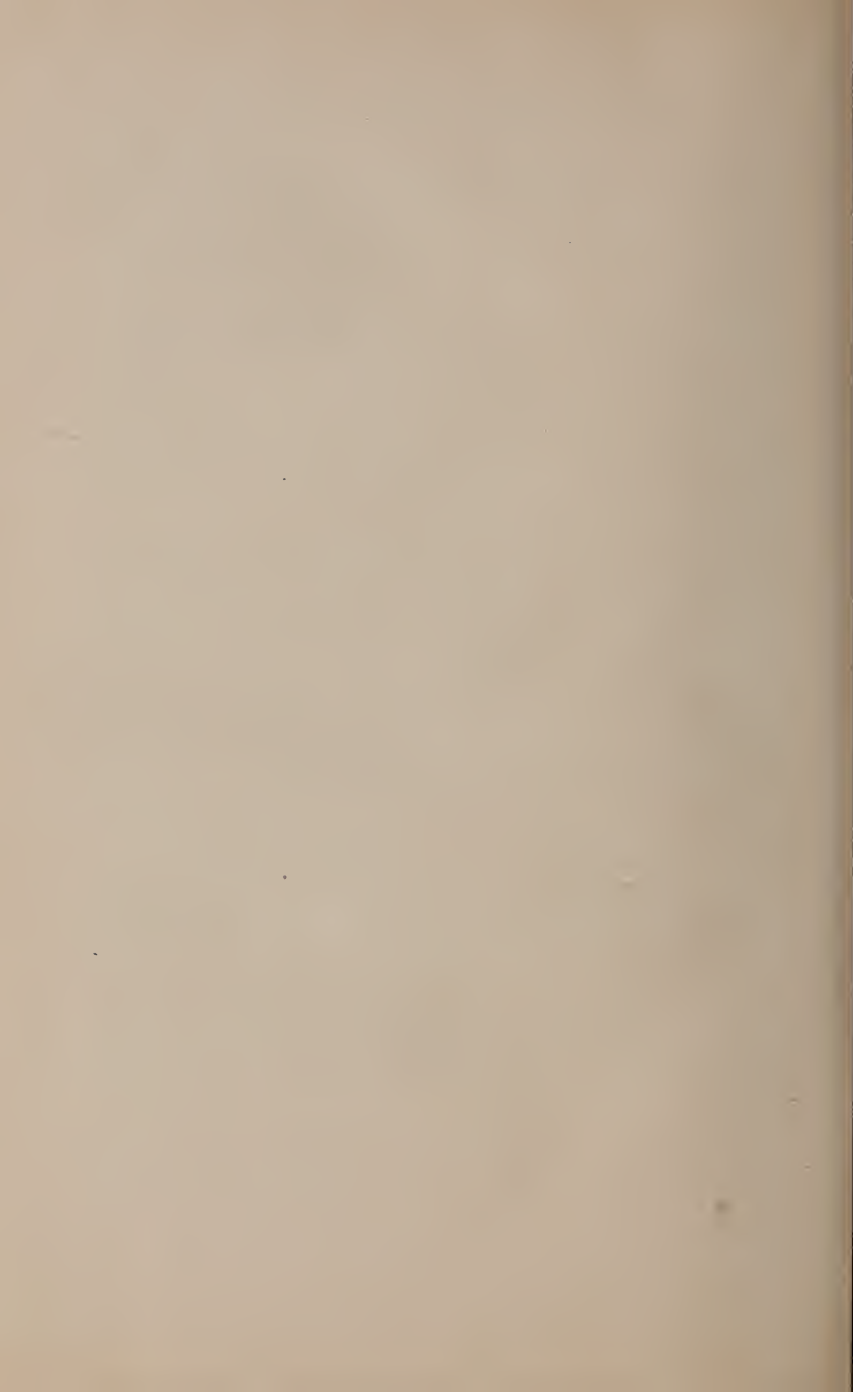
SEC. 29. All State, county, city, ward, borough and township officers, in office at the time of the adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective terms of office.

SEC. 30. All State and judicial officers heretofore elected, sworn, affirmed or in office when this Constitution shall take effect, shall severally, within one month after such adoption, take and subscribe an oath or affirmation to support this Constitution.

SEC. 31. The General Assembly, at its first session, or as soon as may be, after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

SEC. 32. The ordinance passed by this Convention, entitled "An ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof," shall be held to be valid for all the purposes thereof.

SEC. 33. The words "county commissioners," wherever used in this Constitution and in any ordinance accompanying the same, shall be held to include the commissioners for the city of Philadelphia.



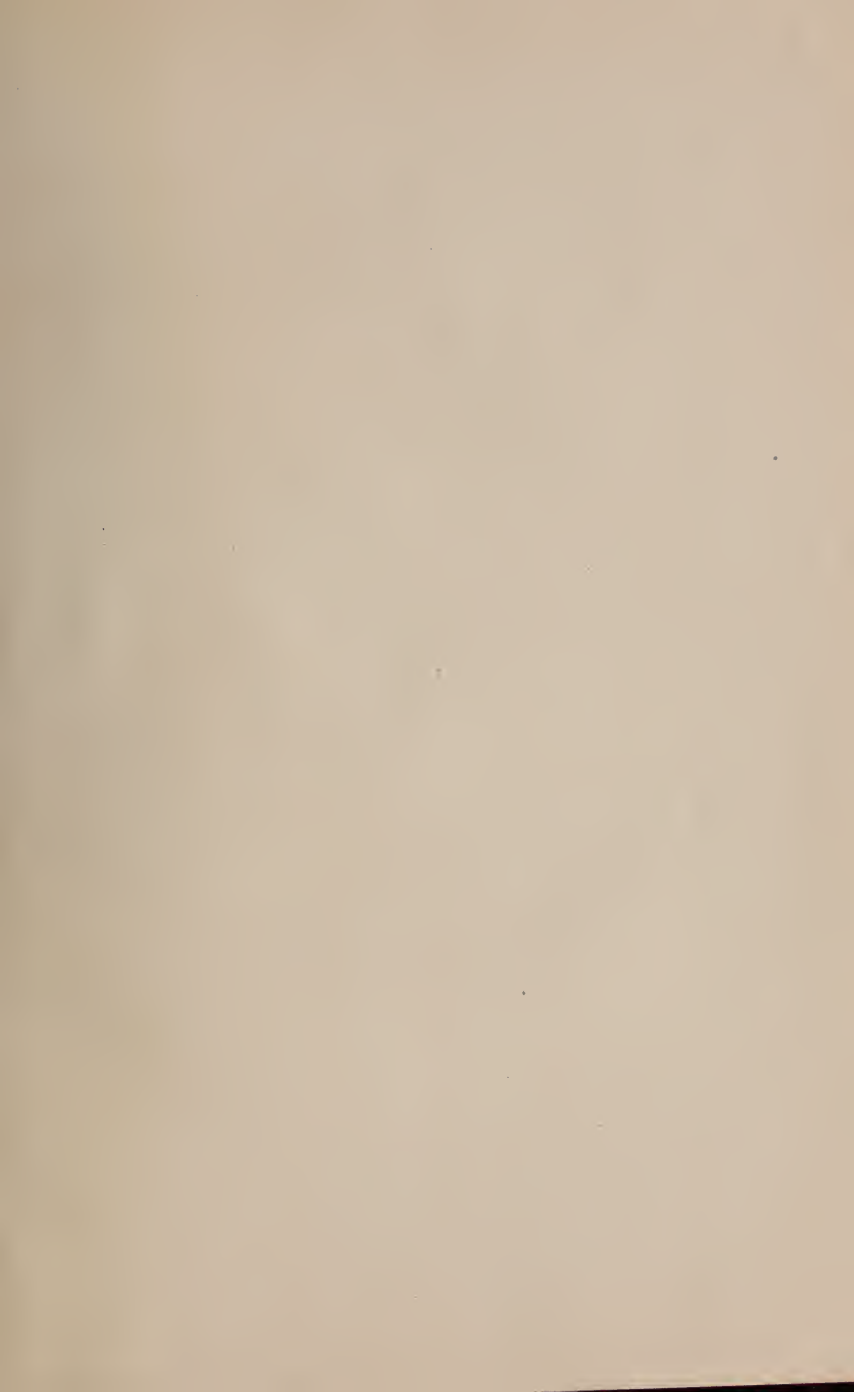
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